

Serial No: 10/529,754
Attorney Docket No: P70510US0

REMARKS

The Office Action of September 19, 2007, has been received and carefully reviewed. Applicants have cancelled claim 1, and added new claims 2 to 8 to further define that which Applicants consider to be their invention. Claims 2 to 8 are fully supported in Applicants' specification at pages 5-8. No new matter has been added by these amendments.

Objection to the Abstract

The Examiner objected to Applicants' abstract as containing legal phraseology such as the term "said", and included phrases that are implied and unnecessary. Applicants have amended the abstract accordingly, and respectfully request withdrawal of the objection.

Rejections under 35 U.S.C. §112, second paragraph

The Examiner rejected claim 1 under 35 U.S.C. §112, second paragraph, as indefinite. According to the Examiner, claim 1 is indefinite because the Examiner is confused about which steps comprise Applicants' claimed method. Applicants submit that the claimed invention is directed to a method of calibrating the zero point of an apparatus that measures silica levels in water using a particular method of colorimetric analysis. The apparatus measures the concentration of silica in a water sample by adding a molybdate solution to the sample, followed by addition of a developer solution to the sample, then addition of a reducing agent to the sample, and finally, obtaining a measurement of light absorbance of the sample at a specific wavelength.

Applicants' created a heretofore unknown method to determine what the zero concentration point or zero point of test samples in a measuring apparatus by developing a new method that adds the various reagents in a different order, and takes two absorbance measurements. The first

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measurement is taken after addition of the developer solution to the water sample, and the second after the molybdate solution, and then the reducing agent, is added to the sample. The zero point is then calculated using the two absorbance values.

In order to further clarify the invention, Applicants cancelled claim 1, and present new claims 2 to 8, which are directed to the claimed method and an alternate embodiment, and more clearly define the claimed steps of the zero point measurement in such an apparatus.

The Examiner also objected to the terms “developer” and “reagent” in claim 1. Claim 1 has been cancelled and new claims 2 to 8 do not include the term “reagent”. Applicants contend, however, that the term “developer” or “developer solution” is clearly defined in the specification. On page 5 of Applicants’ specification, it clearly states:

A developer, such as oxalic acid, is then added in order to prevent phosphate interferences and to intensify the color of the silicomolybdic complex.

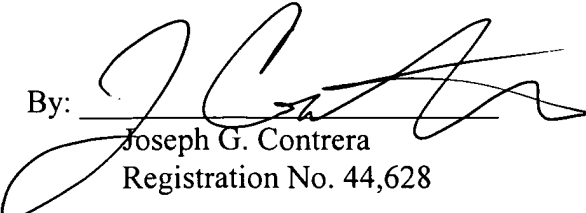
In addition, at page 8, Applicants describe a second embodiment wherein a mixture of citrates is used as a developer solution. Applicants state that one of ordinary skill in the art would understand that the term “developer solution” would mean a solution comprising oxalic acid or a mixture of citrates or other organic acids, and similar compositions which react to prevent phosphate interferences and to intensify the color of the silicomolybdic complex. As such, Applicants respectfully request that this rejection be withdrawn.

It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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